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| 10/735,592 | 12/11/2003 | Arthur M. Krieg | C 1037.70038US01 | 2533 |

7590 09/20/2007
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| EXAMINER |
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MINNIFIELD, NITA M

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| ART UNIT | PAPER NUMBER |
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1645

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09/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

10/735,592

Examiner

N. M. Minnifield

Applicant(s)

KRIEG ET AL.

Art Unit

1645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 05 July 2007 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: formula recited between claims 4 and 5; please see attached.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

N. M. Minnifield

Legal Instruments Examiner (LIE), if applicable

N. M. MINNIFIELD
PRIMARY EXAMINER

571-272-0860

Telephone No.

Please mail with PTO L-324 9/16/07 M.

Application No. 10/735,592
Amendment dated July 2, 2007
Reply to Office Action of June 1, 2007

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Docket No.: C1037.70038US01

than or equal to 60%, and the A content is less than or equal to 30%, and wherein N₁ does not include an unmethylated CG motif.

N₁ N₂ N₃ TCG W N₄ N₅ N₆ N is any TCG

5. (Withdrawn) An oligonucleotide comprising:

5'TYZN₁3'

wherein Y is a cytosine or modified cytosine, wherein Z is a guanine or modified guanine, N₁ is 4-97 nucleotides, wherein 5' designates the 5' end of the oligonucleotide and 3' designates the 3' end of the oligonucleotide, and wherein the oligonucleotide does not include an unmethylated CG motif.

6. (Previously Presented) The oligonucleotide of claim 1, wherein the oligonucleotide includes at least 1 modified internucleotide linkage.

7. (Previously Presented) The oligonucleotide of claim 1, wherein the oligonucleotide includes at least 50% modified internucleotide linkage.

8. (Previously Presented) The oligonucleotide of claim 1, wherein all internucleotide linkages of the oligonucleotide are modified.

9. (Cancelled).

10. (Original) The oligonucleotide of claim 6, wherein the stabilized internucleotide linkage is a phosphorothioate linkage.

11. (Withdrawn) The oligonucleotide of claim 3, wherein the oligonucleotide has the following structure:

5' T*C*G*A*G*G*A*C*T*T*C*T*C*T*C*A*G*G*T*T 3' (SEQ. ID NO.: 50) and wherein * refers to a phosphorothioate linkage.

12. (Withdrawn) The oligonucleotide of claim 2, wherein the oligonucleotide has the following structure: 5' T*C*G*T*T*T*T*T*T*T*T*T*T*T*T*T 3' (SEQ. ID NO.: 2) and wherein * refers to a phosphorothioate linkage.

13. (Withdrawn) The oligonucleotide of claim 1, wherein N₁ is N₂N₃ and wherein N₂ is 8-94 nucleotides and N₃ is 2-5 pyrimidines.

14. (Withdrawn) The oligonucleotide of claim 13, wherein N₃ is TTTT.

15. (Withdrawn) The oligonucleotide of claim 13, wherein N₃ is TT.